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6 Attorney for Defendant Velarde

7 UNITED STATES DISTRICT COURT  
8 DISTRICT OF NEVADA

9 UNITED STATES OF AMERICA, ) CASE NO: 2:22-mj-00228-DJA  
10 Plaintiff, )  
11 vs. )  
12 ) ORDER *TO CONTINUE BENCH*  
13 ) *TRIAL*  
14 HECTOR VELARDE )  
15 Defendant. )  
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IT IS HEREBY STIPULATED AND AGREED by and between JASON FRIERSON,  
United States Attorney, and ANGELICA MARMORSTEIN, counsel for the United States of  
America; JOHN MILLION TURCO, counsel for Defendant, HECTOR VELARDE; that the trial  
currently scheduled for September 7, 2022 at 9:00 a.m. be vacated for at least thirty (30) days  
and set to a date and time convenient to the Court.

This Stipulation is entered into for the following reasons:

1. Parties are close to resolving the matter and anticipate the need for a plea agreement.
2. Defendant does not object to the request for continuance.
3. The government does not oppose the request for the continuance.
4. Denial of this request for continuance would deny counsel for the defendant

1 sufficient time within which to be able to effectively and thoroughly research this case, taking  
2 into account the exercise of due diligence.

3 5. Additionally, denial of this request for continuance could result in a miscarriage  
4 of justice.  
5

6 6. The additional time requested by this Stipulation is excludable in computing the  
7 time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18,  
8 United States Code §§ 3161(h)(7)(A), Title 18, United States Code § 3161(h)(7)(B)(i) and  
9 3161(h)(8)(B)(iv).  
10

11 This is the first request to continue the trial date filed herein.

12 DATED this 6<sup>th</sup> day of September, 2022

13 JASON FRIERSON  
14 UNITED STATES ATTORNEY

15 John Million Turco  
16 /s/  
17 JOHN MILLION TURCO, ESQ.  
18 Nevada Bar No.6152  
19 Attorney for Defendant Velarde  
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Angelica Marmorstein  
29 /s/  
30 ANGELICA MARMORSTEIN  
31 Assistant United States Attorney

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA, ) CASE NO: 2:22-mj-00228-DJA  
)  
Plaintiff, )  
)  
vs. ) ***FINDINGS OF FACT, CONCLUSIONS OF***  
) ***LAW, AND ORDER***  
)  
HECTOR VELARDE )  
)  
)  
Defendant. )  
\_\_\_\_\_ )

Based upon the pending Stipulation of counsel, and good cause appearing therefor, the Court finds:

1. Parties have resolved the matter and are awaiting the government to provide the plea agreement.

2. Defendants are not in custody and do not object to the request for continuance.

3. The government does not oppose the request for the continuance.

4. Denial of this request for continuance would deny counsel for the defendant sufficient time within which to be able to effectively and thoroughly research this case, taking into account the exercise of due diligence.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice.

6. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18,

1 United States Code §§ 3161(h)(7)(A), Title 18, United States Code § 3161(h)(7)(B)(i) and  
2 3161(h)(8)(B)(iv).

3 For all of the above-stated reasons, the ends of justice would best be served by a  
4 continuance of the Trial date.  
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6 **CONCLUSIONS OF LAW**

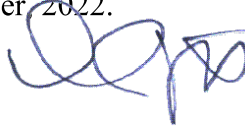
7 The ends of justice served by granting said continuance outweigh the best interest of the  
8 public and the defendants in a speedy trial, since the failure to grant said continuance would be  
9 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the  
10 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into  
11 account the exercise of due diligence.  
12

13 The continuance sought herein excludable under the Speedy Trial Act, Title 18, United  
14 States Code §§ 3161(h)(7)(A), Title 18, United States Code § 3161(h)(7)(B)(i) and  
15 3161(h)(8)(B)(iv).  
16

17 **ORDER**

18 **IT IS HEREBY ORDERED** that the Trial currently schedule for September 7, 2022 at  
19 the hour of 9:00 a.m. be vacated and continued to  
20 November 23, 2022, at 9:00 a.m., Courtroom 3A.

21 DATED AND DONE this 6th  
22 day of September 2022.



23  
24 **DANIEL J. ALBREGTS**

**United States Magistrate Judge**

25 Respectfully Submitted By:

26 /s/ John Million Turco

27 John Million Turco, Esq.

28 Nevada Bar No. 6152

Attorney for Defendant Velarde